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*Attorneys for Defendants Culinary Workers Union  
Local 226*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LISA NIGRELLI, an individual,

Plaintiff,

vs.

VICTORIA PARTNERS d/b/a MONTE CARLO  
RESORT AND CASINO, as the employer;  
CULINARY WORKERS UNION, LOCAL 226;  
and DOES 1-50, inclusive,

Defendants.

CASE NO. 2:15-cv-01840-GMN-NJK

**SUPPLEMENTAL DECLARATION OF  
KRISTIN L. MARTIN IN SUPPORT OF  
LOCAL 226's MOTION FOR SUMMARY  
JUDGMENT**

I, Kristin L. Martin, declare:

I. I am counsel of record for Defendant Culinary Workers Union Local 226 in this matter. I am a member in good standing of the State Bar of Nevada. I have personal knowledge of the following facts and if called, could and would testify competently thereto.

1           2.       Attached hereto as Exhibit A is a true and correct copy of Plaintiff Lisa Nigrelli's  
2 Response to Interrogatory No. 3 propounded by Defendant Culinary Workers Union Local 226 in this  
3 matter.

4           3.       Attached hereto as Exhibit B are true and correct copies of pages 1, 297-98 and 324 of  
5 the transcript of the deposition of Plaintiff Lisa Nigrelli.

6           I declare under the penalty of perjury of the laws of the United States and the State of Nevada  
7 that this declaration is true and correct. This declaration was signed by me on this 26th day of July  
8 2016 at San Francisco, California.

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12 Kristin L. Martin  
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**CERTIFICATE OF SERVICE**

I am employed in the city and county of San Francisco, State of California. I am over the age of eighteen years and not a party to the within action; my business address is: McCracken, Stemerman & Holsberry, 595 Market Street, Suite 800, San Francisco, California 94105.

On this 26th day of July, 2016, I caused to be served a true and correct copy of the above and foregoing:

• **SUPPLEMENTAL DECLARATION OF KRISTIN L. MARTIN IN SUPPORT OF LOCAL 226's MOTION FOR SUMMARY JUDGMENT**

via ECF filing, properly addressed to the following:

Frederick A. Santacroce  
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*Attorneys for Defendants Victoria Partners  
d/b/a Monte Carlo Resort and Casino*

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 26th day of July, 2016 at San Francisco, California.

/s/ Suzanne Scanlon  
Suzanne Scanlon

**CERTIFICATE OF SERVICE**

**SUPPLEMENTAL DECLARATION OF KRISTIN L. MARTIN**

**2:15-cv-01840-GMN-NJK**

# **EXHIBIT A**

JAN 19 2016

2:03PM

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10 Attorneys for Plaintiff Nigrelli

11 UNITED STATES DISTRICT COURT

12 DISTRICT OF NEVADA

13 LISA NIGRELLI, an individual,

Case No. 2:15-cv-01840-GMN-NJK

14 Plaintiff,

15 vs.

16 VICTORA PARTNERS d/b/a MONTE  
CARLO RESORT AND CASINO, as the  
17 employer; CULINARY WORKERS  
18 UNION, LOCAL 226; and DOES 1-50,  
inclusive,

19 Defendants.  
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21 PLAINTIFF'S RESPONSES TO DEFENDANT CULINARY WORKER'S  
22 UNION LOCAL 226 FIRST SET OF REQUESTS FOR  
23 PRODUCTION AND INTERROGATORIES

23 Comes now the Plaintiff Lisa Nigrelli, by and through her attorneys Frederick A.  
24 Santacroce and Antony M. Santos, Esq. and hereby responds to the First Set of Requests for  
25 Production and Interrogatories (sometimes referred to herein as a "Request" or the  
26 "Requests") propounded by Defendant Culinary Worker's Union Local 226 as follows:

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**INTERROGATORY NO. 3:** Please state each and every step that you contend Esther Dyer or any other representative of Local 226 failed to take to investigate the grievance that is referenced in paragraph 58 of the Complaint.

**RESPONSE:** Ester Dyer called Plaintiff on May 18, 2015 and asked what the grievance was regarding. Ms. Dyer told Plaintiff the issue could be resolved with a phone call. Plaintiff appeared at a grievance meeting on May 21, 2015. Plaintiff slowly reprised Ms. Dyer of the issue as Ms. Dyer recorded the issue into her laptop. Plaintiff made numerous calls to Ms. Dyer. When she spoke to Ms. Dyer she was told she had to speak with Johanna. When she got a response from Ms. Dyer several months later, Ms. Dyer told Plaintiff something completely different from her grievance and argued with her. Ms. Dyer told Plaintiff that she could not have someone else's shift, her grievance was not a priority and that her grievance was closed.

During the Board of Adjustment meeting with Casey Dake and Nick Kabetso, Ms. Dyer told them that everything was done by seniority. When Dake asked where that is in the contract, Ms. Dyer stated that she did not know but that has precedent that is what every change is based on. Mr. Kabetso stated that changing Plaintiff's schedule back was "doable." However, Ms. Dyer did not follow through.

**INTERROGATORY NO. 4:** For each of the eight meetings referenced in paragraph 36 of the Complaint, state the date of the meeting, who was present, and what you recall that each person said.

**RESPONSE:**

Date:	Attendees	What Plaintiff recalls each person said
01/08/15	Johanna, Samson, Jeri, Tine, Angela, Lily, Lisa, Carlene, Shelly, Vicki, Sylvia, Dana, Jenn, Avita, De De	Johanna: Stated that the scheduling is done by seniority.
02/19/15	Johanna, Nick, Jeri, Tina, Avita, dawn, Lisa, Carleen, Casey, Janet, Shelly, Lily, Samson	Lisa: Stated she had an issue with her hours being changes since she has seniority over Dana.  Nick: Asked Johanna if Lisa was right about Dana's hours being changes due to Lisa's seniority.
03/06/15	Johanna, Samson, Avita, Lucilene, Paola	Johanna stated that the proposed schedule had not been done by seniority and needed to be redone.

VERIFICATION

I, LISA NIGRELLI, under all penalties of perjury of the State of Nevada, declare and say as follows:

I am the Plaintiff in the above entitled matter; I have read the forgoing PLAINTIFF'S RESPONSES TO DEFENDANT CULINARY WORKER'S UNION LOCAL 226 FIRST SET OF REQUESTS FOR PRODUCTION AND INTERROGATORIES and know the contents thereof; and I believe the answers are true based on my knowledge, information, and belief.

I declare under penalty of perjury of the law of the State of Nevada that the foregoing is true and correct.

Dated this 11 day of January, 2016.

  
LISA NIGRELLI

# **EXHIBIT B**



1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 LISA NIGRELLI, an )  
individual, )

4 Plaintiff, )

5 )

6 vs. )

7 )

8 VICTORIA PARTNERS, d/b/a )

9 MONTE CARLO RESORT AND )

10 CASINO; and CULINARY )

11 WORKERS UNION LOCAL 226; )

12 and DOES 1-50, inclusive, )

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14 Defendants. )

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Case No.

2:15-cv-01840-GMN-NJK

DEPOSITION OF LISA NIGRELLI

Volume I, Pages 1 - 324

Taken on Thursday, February 4, 2016

By a Certified Court Reporter

At 9:03 a.m.

At 3800 Howard Hughes Parkway, Suite 600

Las Vegas, Nevada

REPORTED BY: KEVIN WM. DANIEL, FAPR, RDR, CRR, CCR 711

Job No. 15178

1 APPEARANCES:

2 For Plaintiff:

3 SANTACROCE LAW OFFICES, LTD.  
4 BY: FREDERICK A. SANTACROCE, ESQ.  
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9 For Defendant Victoria Partners d/b/a Monte Carlo  
10 Resort and Casino:

11 JACKSON LEWIS, LLP  
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13 3800 Howard Hughes Parkway  
14 Suite 600  
15 Las Vegas, NV 89169

16 MGM RESORTS INTERNATIONAL  
17 BY: HILARY B. MUCKLEROY, ESQ.  
18 840 Grier Drive  
19 Las Vegas, NV 89119

20 For Defendant Culinary Workers Union Local 226:

21 MCCracken, Stemerma & Holsberry  
22 BY: KRISTIN L. MARTIN, ESQ.  
23 1630 South Commerce Street  
24 Suite A-1  
25 Las Vegas, NV 89102

1 Mondays and Tuesdays, correct?

2 A. Yes. Correct.

3 Q. And it says, "Monday/Tuesday, Pit 3 relief  
4 schedule," that's your schedule, right?

5 A. Correct.

6 Q. And it says, "It will mirror the full-time  
7 shift of 7:00 p.m. to 3:00 a.m."?

8 A. Correct.

9 Q. And that's referring to Carlene's shift?

10 A. Yes.

11 Q. And it says, "This mirrors the decision made  
12 in slots," correct?

13 A. Correct.

14 Q. Do you have any reason to believe that's  
15 incorrect?

16 A. Yes.

17 Q. Why is that incorrect?

18 A. I think some of the slot girls were changed.

19 Q. Do you think that, or do you know that?

20 A. I, I think that.

21 Q. And who -- which of the slot girls do you  
22 believe were changed?

23 A. I think Avita Hashemi.

24 Q. And how --

25 A. They changed -- they had her 7:00 to 3:00, and

1 they went back to 5:00 to 1:00 because of her seniority  
2 in slots.

3 Q. Is she a relief girl?

4 A. I don't recall what her station exactly is.

5 Q. Okay. Anything else?

6 A. I -- yes. I don't get when he said the  
7 five-day least senior was adjusted.

8 Q. No, I'm focusing on this question, the  
9 statement that says, "This mirrors the decision made in  
10 slots." Is there anything else that you believe makes  
11 that statement untrue?

12 A. No.

13 Q. Okay. Other than Avita Hashemi?

14 A. Right, correct.

15 Q. And the next says, "The five-day least senior  
16 was adjusted and the relief shift follows"; do you see  
17 that?

18 A. Correct.

19 Q. By the five-day least senior, he's referring  
20 to Carlene, correct?

21 A. Yes.

22 Q. And then it says your shift, being the relief  
23 shift, follows?

24 A. That's what he thinks, yes.

25 Q. That's what -- that was his judgment?

## 1 CERTIFICATE OF REPORTER

2 STATE OF NEVADA )  
 ) SS:  
3 COUNTY OF CLARK )

4 I, Kevin Wm. Daniel, a Certified Court Reporter  
5 licensed by the State of Nevada, do hereby certify:

6 That I reported the deposition of LISA NIGRELLI,  
7 commencing on Thursday, February 4, 2016,  
8 at 9:03 a.m.

9 That prior to being examined, the witness first  
10 duly swore or affirmed to testify to the truth, the  
11 whole truth, and nothing but the truth; that I  
12 thereafter transcribed my said shorthand notes into  
13 typewriting and that the typewritten transcript is a  
14 complete, true and accurate record of testimony  
15 provided by the witness at said time.

16 I further certify (1) that I am not a relative  
17 or employee of an attorney or counsel of any of the  
18 parties, nor a relative or employee of any attorney or  
19 counsel involved in said action, nor a person  
20 financially interested in the action, and (2) that  
21 pursuant to Rule 30(e), transcript review by the  
22 witness was requested.

23 IN WITNESS WHEREOF, I have hereunto set my hand  
24 in my office in the County of Clark, State of Nevada,  
25 this 10th day of February, 2016.

\_\_\_\_\_  
KEVIN WM. DANIEL, FAPR, RDR, CRR, CCR 711